

Human Resources Rules and Regulations

City of Fountain Valley



Revised: July 19, 2016

TABLE OF CONTENTS

	PAGE NO.
RULE 1 – INTRODUCTION	7
Section 101 – Purpose	7
Section 102 – Authority	7
Section 103 – Effect of Collective Bargaining Agreements	7
Section 104 – No Contract Created	7
Section 105 – Right to Amend, Delete or Suspend	7
RULE 2 – DEFINITION OF TERMS	7
Section 201 – Definition of Terms	7
RULE 3 – FAIR EMPLOYMENT PRACTICES	13
RULE 4 – CLASSIFICATION	13
Section 401 – Preparation of Plan	13
Section 402 – Interpretation of Classification Descriptions	14
Section 403 – Reclassification	14
RULE 5 – APPLICATIONS AND APPLICANTS	14
Section 501 – Announcement	14
Section 502 – Application Forms	15
Section 503 – Disqualification	15
Section 504 – Criminal Conduct - Ineligibility for Employment	15
RULE 6 – EXAMINATIONS	16
Section 601 – Examination Process	16
Section 602 – Promotional Examination	17
Section 603 – Continuous Examination	17
Section 604 – Conduct of Examination	17
Section 605 – Notification of Examination Results	17
Section 606 – Correction of Examination Score	17
RULE 7 – ELIGIBILITY LISTS	18
Section 701 – Eligibility Lists	18

Section 702 – Duration of Lists	18
Section 703 – Re-Employment Lists	18
Section 704 – Removal of Names from List	18
Section 705 – Eligibility Lists Confidential	19
RULE 8 – METHOD OF FILLING VACANCIES	19
Section 801 – Types of Appointments	19
Section 802 – Priority of Methods of Filling Vacancies	19
Section 803 – Certification of Eligibility List	19
Section 804 – Interview and Investigation	20
Section 805 – Appointment	20
Section 806 – Provisional Appointment	20
Section 807 – Emergency Appointment	21
Section 808 – Underfilling of Positions	21
RULE 9 – PROBATIONARY PERIOD	21
Section 901 – Regular Appointment Following Probationary Period	21
Section 902 – Objective of Probationary Period	22
Section 903 – Extension of Probationary Period	22
Section 904 – Rejection of Probationer	22
Section 905 – Rejection Following Promotion	22
RULE 10 – TRANSFER, PROMOTION, DEMOTION AND REINSTATEMENT	23
Section 1001 – Transfer	23
Section 1002 – Promotion	24
Section 1003 – Reinstatement	24
RULE 11 – DISCIPLINARY ACTION	24
Section 1101 – Policy	24
Section 1102 – Causes for Disciplinary Action	24
Section 1103 – Types of Disciplinary Action	27
Section 1104 – Procedures for Taking Disciplinary Action	29
Section 1105 – Hearing	30

RULE 12 – LAYOFF POLICY AND PROCEDURE	30
Section 1201 – Statement of Intent	30
Section 1202 – Notification	31
Section 1203 – Procedure	31
Section 1204 – Employee Bumping Rights	32
Section 1205 – Re-Employment Rights	32
RULE 13 – NON-DISCIPLINARY SEPARATION FROM EMPLOYMENT	33
Section 1301 – Rejection	33
Section 1302 – Resignation	33
Section 1303 – Job Abandonment	33
Section 1304 – Retirement	34
RULE 14 – LEAVES	34
Section 1401 – Industrial Accident Leave	34
Section 1402 – Leave of Absence – Death in Family	34
Section 1403 – Sick Leave	34
Section 1404 – Accrual of Sick Leave	35
Section 1405 – Depletion of Sick Leave Benefits	35
Section 1406 – Attendance	35
Section 1407 – Vacation Eligibility	35
Section 1408 – Vacation Accrual	36
Section 1409 – Vacation to be Taken	36
Section 1410 – Vacation at Termination	36
Section 1411 – Double Compensation Prohibited	36
Section 1412 – Military Leave	36
Section 1413 – Leave of Absence Without Pay	36
Section 1414 – Jury Duty	37
Section 1415 – Pregnancy Disability Leave	37
Section 1416 – Family Care and Medical Leave	38
Section 1417 – School Leave	38
Section 1418 – Civil Subpoena	38
Section 1419 – Benefits to Employees Who Job Share	38

RULE 15 – PERSONNEL RECORDS	38
Section 1501 – General	38
Section 1502 – Notifying the Human Resources Department of Changes in Personal Information	38
Section 1503 – Medical Information	39
Section 1504 – References and Release of Information in Personnel Files	39
Section 1505 – Employee Access to Personnel File	39
Section 1506 – Supervisor’s File	40
RULE 16 – PERFORMANCE EVALUATION	40
Section 1601 – Performance Evaluation	40
RULE 17 – COMPENSATION	41
Section 1701 – Starting Salary	41
Section 1702 – Compensation on Promotion	41
Section 1703 – Compensation Upon Reclassification	41
Section 1704 – Compensation on Transfers	41
Section 1705 – Compensation on Re-Employment or Reinstatement	41
Section 1706 – Compensation on Demotion	41
Section 1707 – Compensation for Acting/Provisional Appointment	41
Section 1708 – Fitness-For-Duty Examinations	42
RULE 18 – MISCELLANEOUS PROVISIONS	42
Section 1801 – Outside Employment	42
Section 1802 – Safety	43
Section 1803 – Dress and Grooming Policy	43
Section 1804 – Department of Transportation Drug and Alcohol Policy	43
Section 1805 – Drug Free Workplace	43
Section 1806 – Harassment in Employment	43
Section 1807 – Political Activity of City Employee	43
Section 1808 – No Smoking in City Facility and Vehicles	43
Section 1809 – Required Certificates and Licenses	43

This page intentionally left blank.

RESOLUTION NO. 9564

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY ESTABLISHING THE CITY'S HUMAN RESOURCES RULES AND REGULATIONS AND SUPERSEDING RESOLUTION NO. 9376.

WHEREAS, the City Council is authorized and directed under the provisions of Ordinance No. 1506 to adopt rules for the administration of the human resources system created in said ordinance; and

WHEREAS, the objectives of these human resources rules and regulations (hereinafter referred to as rules) are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

WHEREAS, these rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges, and prohibitions which are placed upon all employees in the competitive service of the City; and

WHEREAS, at the same time, within the limits of administrative feasibility, considerable latitude shall be given the City Manager and the Human Resources Director in the interpretation of these rules; and

WHEREAS, minor language changes as a housekeeping matter are needed to ensure these rules are up-to-date including changes in titles of classes and ordinance and Administrative Regulation numbers; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fountain Valley does hereby adopt the following rules:

RULE 1. INTRODUCTION

SECTION 101. Purpose: These rules are prescribed for the purpose of carrying out the human resources program of the City of Fountain Valley. Unless a specific rule indicates otherwise, the rules apply only to employees in the "competitive service" as defined herein.

SECTION 102. Authority: Execution of the human resources system is the responsibility of the City Manager. The City Manager may delegate any of his/her powers.

SECTION 103. Effect of Collective Bargaining Agreements: If a provision of the rules is in conflict with a provision of an applicable collective bargaining agreement negotiated between the City and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be controlling.

SECTION 104. No Contract Created: The rules do not create any contract of employment, expressed or implied, or any rights in the nature of a contract.

SECTION 105. Right to Amend, Delete or Suspend: These rules may be amended by adding, deleting or changing such rules from time to time. If the modification involves an issue within the scope of representation the affected bargaining unit shall be given at least five (5) days written notice of the amendment to a particular rule or rules.

RULE 2. DEFINITION OF TERMS

SECTION 201. Definition of Terms: Unless otherwise required by the context, the terms used in these rules shall have the meanings as defined below:

Administrative Leave: Absence of an employee from work where the City, in the exercise of its judgment, determines that an employee must be removed from the work place for investigatory or other purposes. The employee shall be paid while on administrative leave and shall be available by telephone during regular work hours.

Advancement: A salary increase within the limits of a pay range established for a class.

Allocation: The assignment of an individual position to an appropriate classification on the basis of the duties performed, and the authority and responsibilities exercised, or the assignment of a classification to a salary range or salary rate.

Appointing Authority: The City Manager, Department Director or Division Manager. The Appointing Authority for the City Manager is the City Council.

Anniversary Date: The date of appointment, re-employment or promotion.

At-Will Employment: Those employees who are employed at the will of the appointing authority and may be removed at any time without cause or right of appeal. Those employees include the City Manager, City Clerk Administrator, Department Directors, emergency employees and limited service personnel. Limited service personnel are those employed intermittently or per diem, hourly, provisional, part-time, temporary, seasonal or probationary employees. At-will employees are not in the competitive service and thus neither covered by these rules and regulations nor entitled to any of the benefits or protections provided by these rules and regulations.

Bumping: An employee notified of layoff and bumping rights can only bump down to a position he/she previously held permanent status in with the City.

Class: All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and which require similar standards of education, experience and/or other evidence of ability.

Classification Plan: A list of titles of the classes of all regular and part-time positions in the municipal service and a written specification defining each class. The class specification shall include the class title and general description of the work, a summary statement of duties and responsibilities, and minimum or desirable qualifications for appointment, and may include such other pertinent information as the Human Resources Officer may deem desirable.

Classification Series: All positions sufficiently similar in duties differentiated by the level of authority and responsibility.

Competitive Service: All positions of employment in the service of the City except those specifically excluded by the Ordinance or these rules, whereby City employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration of all aspects of employment and promotion. The City Manager, City Clerk Administrator, Department Directors, emergency employees and limited service employees (those intermittently employed, per diem, hourly, part-time, provisional, seasonal or temporary) are not in the competitive service.

Days: Means calendar days unless otherwise stated.

Demotion: The voluntary or involuntary movement of an employee from one (1) classification to another classification having a lower maximum base rate of pay. Involuntary demotion is a result of disciplinary action.

Departments: Comprised of:

- Administration
- Finance
- Fire
- Human Resources
- Planning/Building
- Police
- Public Works Administration

Discharge: The involuntary removal of any officer or employee from employment as a result of disciplinary action.

Disciplinary Action: The dismissal, demotion, suspension, reduction of pay, written reprimand or formal warning or any other action for punitive or corrective reasons.

Divisions: Comprised of:

- City Clerk
- Engineering
- Field Services
- Information Services
- Recreation and Community Services

Eligible: A person who has successfully passed all examination requirements for a classification in the competitive service for which he/she applied, whose name is on an employment list for the classification and who may, under these rules and regulations, be certified for consideration of appointment to a position in the competitive service.

Eligibility List: A list of eligible candidates who have taken and successfully passed an examination for a classification and have qualified for a position within the competitive service.

Employee: An individual employed on a full-time basis by the City of Fountain Valley. Excluded are part-time employees, volunteers, independent contractors, etc.

Examination:

- a. Open-Competitive Examination: An examination for a particular classification which is open to all persons meeting the qualifications for the classification.
- b. Promotional Examination: An examination for a particular classification which is open only to employees meeting the qualifications for the classification.
- c. Continuous Examination: An open-competitive examination which is ongoing or administered periodically and as a result of which names are placed on an employment list, for a period of not more than one (1) year.

Human Resources Officer: The City Manager or his/her designee...

Job Share Position: A full-time position which is filled by two (2) employees with each employee receiving benefits pro-rated on the basis of the number of hours the employee is regularly scheduled to work.

Lay-Off: The separation of employees in the competitive service from the active work force whenever in the judgment of the City Council it becomes necessary to abolish a position.

Order of Layoff: In accordance with Fountain Valley Municipal Code Section 2.52.120 Abolishment of Positions, layoff shall be made within classes of positions within each department or division as defined above. Temporary, provisional, and probationary employees in the affected job classifications shall be laid off prior to permanent employees.

Permanent Status: A regular employee in the competitive service who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

Position: A group of duties and responsibilities in the competitive service requiring employment of one (1) person.

Probationary Period: The one (1) year period to be considered an integral part of the examination, recruiting, selection testing and selection process during which an employee is required to demonstrate fitness for the duties to which the employee is appointed by actual performance of the duties of the position. During the probationary period, the employee shall have no vested right to his/her employment and serves "at-will." The probationary period on promotion is specified in the Memorandum of Understanding for each bargaining unit. Absent specific designation in the Memorandum of Understanding the probationary period on promotion shall be for one (1) year. An employee's probationary period will be extended by the number of days an employee is absent from work during the probationary period if the employee is absent from work for more than five (5) work days or forty (40) work hours. An employee's probationary period may be extended for up to six (6) months if the employee's supervisor or manager determines that additional time is needed to determine whether

the employee should pass probation or not. If an employee's probation is extended, he/she will be advised of the extension prior to the expiration of the initial probationary period.

Promotion: The movement of an employee from one (1) classification to another classification generally having a higher maximum base rate of pay.

Provisional Appointment: An appointment of a person who possesses the minimum qualifications established for a particular classification and who has been appointed to a position in that classification in the absence of available eligible candidates. In no instance, shall a provisional appointment exceed six (6) months of actual service. Such an employee shall have no vested right to his/her employment and serves at-will in the provisional appointment.

Reclassification: When it appears that the title or duties and responsibilities of a classification do not accurately reflect the nature of the duties and responsibilities being performed, the City will initiate certain procedures to ensure that the employee's classification and job description coincide with the duties and responsibilities actually being performed or is intended to be performed.

Reduction in Pay: A salary decrease within the pay range as a result of disciplinary action.

Re-Employment: The appointment of a regular employee who is laid off within the preceding twelve (12) months, to a position in the same classification as his/her former position. Employees who are re-employed are not required to complete a probationary period.

Regular Employee: An employee in the competitive service who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

Reinstatement: The discretionary restoration without examination of a former regular or probationary employee who resigned in good standing to a classification in which the employee formerly served as a regular employee.

Seniority: Seniority, in terms of layoff, includes all periods of full-time service at or above the classification level where layoff is to occur. Seniority time shall include time served on military leave of absence at or above the classification where layoff is to occur.

Suspension Without Pay: The temporary separation from the service of an employee without pay as a result of disciplinary action.

Temporary Employee: An employee who is appointed without examination to a non-regular position for a limited period of time. Such an employee shall have no vested right to his/her employment and serves "at will."

Transfer: The voluntary or involuntary re-assignment of an employee from one (1) position to another position which has the same range and is within the same or comparable classification. Employees may also transfer from or to job sharing positions.

Y-Rate: The salary for a y-rated employee will remain at the current base rate salary during the period of y-rating after which the employees' salary will be moved to nearest salary in the lower salary range of the new classification.

RULE 3. FAIR EMPLOYMENT PRACTICES

Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the Human Resources Officer, is not justifiably linked to successful job performance.

RULE 4. CLASSIFICATION

SECTION 401. Preparation of Plan: The Human Resources Officer or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title.

The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class. The plan may be amended at any time.

SECTION 402. Interpretation of Classification Descriptions: Job descriptions are not restrictive but shall indicate the basis on which a position is allocated to its proper classification as determined by its duties and responsibilities. Job descriptions shall not be construed as a statement that the duties and responsibilities shall not be changed nor that an employee may not be temporarily assigned other duties and responsibilities as long as they are reasonably related to the description.

SECTION 403. Reclassification: Positions, the assigned duties of which have changed significantly over time by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Human Resources Director to a more appropriate classification subject to the approval of the Human Resources Officer. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, or to effect a change in salary in the absence of a significant change in assigned duties and responsibilities. No probationary period is required for a reclassified assignment. The process for reclassification is set forth in Administrative Regulation No. 1021. To the extent that any aspect of a reclassification is subject to the meet and confer process with an impacted employee association, the City will do so in accordance with the law.

RULE 5. APPLICATIONS AND APPLICANTS

SECTION 501. Announcement: All examinations for classes in the competitive service shall be publicized by such methods as the Human Resources Officer or the Human Resources Director deem appropriate. Recruiting shall be conducted, if necessary, to insure that all segments of the labor market are aware of the forthcoming examinations. The announcement shall specify the title and pay of the classification for which the examination is announced; the nature of the work to be performed;

preparation desirable for the performance of the work of the class; the manner of making applications; and other pertinent information.

SECTION 502. Applications Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information and may include references and other information about prior experiences including employment. All applications must be electronically signed by the person applying.

SECTION 503. Disqualification: The Human Resources Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the applicant is a current user of illegal drugs, has made any false statement of any material fact, or practiced any deception or fraud in an application, or for any material cause which in the judgment of the Human Resources Officer would render the applicant unsuitable for the position, including but not limited to information obtained from a background or reference check, a prior resignation, termination or disciplinary action. Whenever an application is rejected, notice of such rejection shall be communicated to the applicant by the Human Resources Director or his/her designee. Defective applications may be returned to the applicant with notice to amend the same, providing time limit for receiving applications has not expired.

SECTION 504. Criminal Conduct – Ineligibility for Employment: Conviction, including pleas of guilty and nolo contendere (no contest), of a felony shall be prima facie disqualification of an applicant for employment, provided, however, that the Human Resources Officer may disregard such conviction if it is found and determined by such Human Resources Officer that mitigating circumstances exist. In addition, non-felony convictions may result in disqualification as well. In making such determination, the Human Resources Officer shall consider the following factors:

- A. The classification, including sensitivity, to which the person is applying or being certified and whether classification is unrelated to the conviction;
- B. The nature and seriousness of the offense;

- C. The circumstances surrounding the conviction;
- D. The length of time elapsed since the conviction;
- E. The age of the person at the time of conviction;
- F. The presence or absence of rehabilitation or efforts at rehabilitation;
- G. Contributing environmental or social conditions.

An applicant who is disqualified for employment under section 504 will be notified by the Human Resources Director or his/her designee and the applicant may appeal the determination of the disqualification. Such appeal shall be in writing and filed with the Human Resources Officer within ten (10) days of the date of the notice of disqualification. The Human Resources Officer shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the Human Resources Officer on the appeal is final. Notwithstanding the foregoing, an applicant for a Peace Officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony.

RULE 6. EXAMINATIONS

SECTION 601. Examination Process: The selection techniques used in the examination process shall relate to those subjects which in the opinion of the Human Resources Director, fairly measure the relative capacities of the person examined to execute the duties and responsibilities of the classification to which they seek to be appointed. Examinations shall consist of selection techniques which test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, reference checks, work samples, promotability assessments, drug and alcohol screen for "special need" positions, including safety-sensitive positions and positions that supervise children, polygraph if appropriate to use for the particular position, successful completion of prescribed training, or any combination of these or other tests.

Once a conditional job offer is made, a psychological test and medical examination for "special need" positions including safety-sensitive positions may be given.

The probationary period shall be considered part of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on analysis of the essential requirements of the classification, covering only factors related to such requirements.

SECTION 602. Promotional Examination: Promotional examinations may be conducted whenever, in the opinion of the Human Resources Officer, the needs of the service require. Only regular, probationary or part-time employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

SECTION 603. Continuous Examination: Open-competitive examinations may be administered periodically for a single classification as the needs of the service require. Names shall be placed on employment lists and shall remain on such lists as prescribed in these rules.

SECTION 604. Conduct of Examination: Examinations may be prepared or administered by the Human Resources Officer or an agency or individual who provides this service pursuant to contract.

SECTION 605. Notification of Examination Results: Each candidate in an examination shall be given written notice of the results thereof. If the examination is open-competitive, the candidate will be notified whether or not he/she is placed on the eligibility list. If the examination is promotional, the employee will be notified of their score.

SECTION 606. Correction of Examination Score: Unless an applicable Memorandum of Understanding indicates otherwise, all candidates shall have the right within five (5) working days after notification of examination results to request the Human Resources Director to verify there were no errors in computation. Any error in

computation within this period shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

RULE 7. ELIGIBILITY LISTS

SECTION 701. Eligibility Lists: As soon as possible after the completion of an examination, the Human Resources Officer shall prepare and maintain an eligibility list consisting of the names of candidates who qualified in the examination.

SECTION 702. Duration of Lists: Eligibility lists, other than those resulting from a continuous examination, shall remain in effect for one (1) year and may be abolished or extended by the Human Resources Officer prior to or after their expiration date. In no event shall an eligibility list remain in effect for more than two (2) years.

Open-competitive lists created as a result of continuous examinations shall remain in effect for not more than one (1) year after the final group is placed on the eligibility list, unless sooner exhausted or abolished. Names placed on such lists shall be merged with any others already on the list in order of final scores and shall remain on the list for not more than one (1) year.

SECTION 703. Re-Employment Lists: The names of regular employees who have been laid off shall be placed on appropriate re-employment lists in the order of seniority. Such names shall remain thereon for a period of one (1) year unless such persons are sooner re-employed. Appointment shall be made from the re-employment list unless no re-employment list for the position exists.

When a re-employment list is to be used to fill vacancies in a position, the Human Resources Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the Department Director or Division Manager shall consider the appointment of such persons to fill the vacancies.

SECTION 704. Removal of Names from List: The name of any person appearing on an eligibility or re-employment list shall be removed by the Human Resources Officer if (1) the eligible requests in writing that his/her name be removed or (2) if the eligible fails to respond within five (5) calendar days to a notice of placement

on the employment list e-mailed to the last designated e-mail address or (3) the eligible no longer meets the minimum qualifications for the job including having the proper certification. The person affected shall be notified of the removal of his/her name by a notice e-mailed to his/her last known e-mail address. Eligibles are required to keep the Human Resources Department informed of their current e-mail address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

SECTION 705. Eligibility Lists Confidential: Eligibility lists are confidential and the relative position of an eligible on a list or his/her score shall not be made available except to the eligible or to the head of the department or division where he/she is considered for appointment.

RULE 8. METHOD OF FILLING VACANCIES

SECTION 801. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement, or from eligibles certified by the Human Resources Officer from an appropriate eligibility list, if available. In the absence of persons eligible for appointment in these ways, provisional or temporary appointments may be made in accordance with these rules.

SECTION 802. Priority of Methods of Filling Vacancies: If a vacancy in the competitive service is to be filled, the Department Director or Division Manager shall notify the Human Resources Officer. If there is a re-employment list available for the classification, appointment shall be made from the list. If there is no re-employment list, the Human Resources Officer shall have the right to decide whether to fill the vacancy by reinstatement, transfer, voluntary demotion, or appointment from an eligibility list.

SECTION 803. Certification of the Eligibility List: If the position is to be filled from the eligibility list, the Human Resources Officer shall transmit to the appointing authority the names of the eligibles on the appropriate eligibility list and if none is acceptable, the Human Resources Officer may certify eligible in the next band in which they appear on the list.

Section 804. Interview and Investigation: The appointing authority may interview the eligible certified for consideration. The appointing authority and/or the Human Resources Director may conduct an investigation of the candidate including, but not limited to the following: (1) employment history; (2) educational history and verification of licenses, certifications or other items identified by an applicant (3) criminal history; (4) post-offer physical and/or psychological tests including a drug and alcohol screen for "special need" positions, including safety-sensitive positions and positions that supervise children; and (5) personal and character investigation.

Section 805. Appointment: The Department Director or Division Manager shall immediately notify the Human Resources Officer of the person selected. If that person is notified of appointment and the person accepts, he/she shall report to the Human Resources Director, or to the Human Resources Director's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the Department Director or Division Manager shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

Any appointment or promotion to a department head position or City Clerk Administrator shall be made by the Human Resources Officer with the approval of the City Council.

SECTION 806. Provisional Appointment: In the absence of individuals from appropriate eligibility lists, a provisional appointment may be made without examination by the Human Resources Officer of a person meeting the minimum qualifications for the position. A provisional employee is an at-will employee and may be removed at any time without cause and without the right of appeal. No provisional appointment shall exceed six (6) months without the written approval of the Human Resources Officer.

No credit shall be given in any open competitive or promotional examinations, for service rendered under a provisional appointment.

SECTION 807. Emergency Appointment: To meet the immediate requirements of an emergency condition such as extraordinary fire, flood, earthquake which threatens life or property, any appointing authority may employ such persons as may be needed for the duration of the emergency without regard to these rules affecting appointments. In no event, shall emergency appointments exceed thirty (30) working days nor shall one (1) person hold successive emergency appointments. Emergency employees are at-will and may be removed at any time without cause or right of appeal. Without the written approval of the Human Resources Officer, employees who have served an emergency appointment shall receive no credit in open competitive or promotional examinations for service rendered under an emergency appointment.

SECTION 808. Underfilling of Positions: A vacant position classified at one (1) level may be filled at a lower level subject to the approval of the Human Resources Officer.

RULE 9. PROBATIONARY PERIOD

SECTION 901. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period. The probationary period shall be one (1) year of actual and continuous service for original appointments. The probationary period upon promotional appointment shall be not less than six (6) or twelve (12) months of actual and continuous service as specified in each individual bargaining groups Memorandum of Understanding. Periods of time on paid or unpaid leave exceeding five (5) work days (consecutive or not) shall automatically extend the probationary period by the number of days the employee is on leave. If the probationary period is interrupted by military leave the employee shall serve the remainder of his/her probationary period upon his/her return to work. The Human Resources Director shall notify the Department Director or Division Manager and the probationer concerned two (2) weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the Department Director or Division Manager, then the Department Director or Division Manager shall file with the Human Resources Director a statement in writing to such effect and stating that the retention of such employee in the service is desired. If

such a statement is not filed, the employee will be deemed to be unsatisfactory and his/her employment terminated before the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the separation shall be served on the separated employee by the Human Resources Director before the expiration of the selection period. The failure to file any statement and the failure to give any notice shall confer no rights on the employee.

SECTION 902. Objective of Probationary Period: The probationary period shall be regarded as part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his/her position.

SECTION 903. Extension of Probationary Period: The probationary period may be extended by the Department Director, Division Manager or Human Resources Director for a period of six (6) months of actual and continuous service subject to the provisions of the applicable Memorandum of Understanding. If the Department Director, Division Manager or Human Resources Director determines that the probationary period should be extended, the probationary employee shall be given notice in writing prior to the expiration of the original probationary period.

SECTION 904. Rejection of Probationer. During the probationary period, an employee may be rejected at any time by the Human Resources Officer without cause and without the right of appeal. Notification of rejection by the appointing authority shall be served on the probationer.

SECTION 905. Rejection Following Promotion: Any employee rejected during the probationary period following a promotional appointment to a position in the competitive service or at the conclusion of the probationary period by reason of failure of the Department Director or Division Manager to file a statement that the employee's services have been satisfactory shall be assigned to a lower position for which the employee meets the minimum qualifications at the range and step held prior to promotion unless the employee is discharged for cause as provided in the Ordinance and these rules.

RULE 10. TRANSFER, PROMOTION, DEMOTION, AND REINSTATEMENT

SECTION 1001. Transfer:

- A. Voluntary Transfer: A regular employee may initiate a request to transfer to the same or comparable classification in another unit, department or division by submitting a Request to Transfer to the Human Resources Department. The request will be kept on file for one (1) year from the date of receipt. With the approval of the Department Director or Division Manager for whom the employee now works and the Department Director or Division Manager for whom the employee seeks to work, the employee will be transferred to the new position when the first vacancy becomes available.

Employees with less than one (1) year of service, less than satisfactory performance evaluations and/or disciplinary suspension, reduction in pay or equivalent disciplinary action within the last year are not eligible for a voluntary transfer.

- B. Involuntary Transfer: An employee may be transferred at any time by the Department Director, Division Manager or the Human Resources Officer to the same or comparable classification for which the employee meets the minimum qualifications. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

The transfer may be to another unit, department or division. If the transfer involves a change from one department to another, both Department Directors or Division Managers must consent thereto unless the Human Resources Officer orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Ordinance or these rules.

SECTION 1002. Promotion: Vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination or open-competitive examination has been given.

The Human Resources Officer shall determine whether the examination is promotional or open competitive, in the best interests of the municipal service.

SECTION 1003. Reinstatement: With the approval of the appointing power, a regular employee who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the classification. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific written approval of the Human Resources Officer at time of reinstatement. Reinstatement of former employees will be governed by Administrative Regulation.

RULE 11. DISCIPLINARY ACTION

SECTION 1101. Policy: Unless the applicable Memorandum of Understanding provides to the contrary, the rules for taking disciplinary action are set forth below:

SECTION 1102. Causes for Disciplinary Action: Any regular employee may be disciplined for cause. Conduct which shall be deemed to constitute cause shall include, but not be limited to the following:

- 1102.1 Fraud in securing appointment.
- 1102.2 Falsification in any information provided to the City, including information provided on employment records, timesheets, or any other City records.
- 1102.3 Incompetence, inefficiency or neglect of duty; failure to follow specific instructions.
- 1102.4 Unsatisfactory work performance.

- 1102.5 Insubordination or willful disobedience, a willful failure to submit to supervision or follow orders or directions of supervisors or insulting or demeaning the authority of a supervisor or manager.
- 1102.6 Dishonesty.
- 1102.7 Being under the influence of alcohol or controlled substances while on duty, being impaired by alcohol or controlled substances in the employees' biological system while on duty which could impact the ability to do the job.
- 1102.8 Excessive absenteeism.
- 1102.9 Inexcusable absence without leave.
- 1102.10 Unauthorized or unexcused tardiness.
- 1102.11 Failure to adhere to work schedules.
- 1102.12 Excessive use or abuse of sick leave.
- 1102.13 The conviction of either a misdemeanor or a felony related to the job. The record of conviction shall be conclusive evidence of the fact that the conviction occurred. The Human Resources Director may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
- 1102.14 Discourteous treatment of the public or other employees.
- 1102.15 Improper or unauthorized use of City property, taking City property out of the workplace without proper authorization.
- 1102.16 Refusal to subscribe to any oath or affirmation which is required by law in connection with agency employment.

- 1102.17 Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the agency or the employee's department.
- 1102.18 Inattention to duty, carelessness or negligence in the care and handling of City property.
- 1102.19 Violation of the rules and regulations of the department, division or the Personnel Rules.
- 1102.20 Mental or physical impairment which render the employee unable to perform the essential functions of the job, with or without reasonable accommodation (if disabled).
- 1102.21 Outside employment not specifically authorized.
- 1102.22 Acceptance from any source of a reward, gift or other form of remuneration in addition to regular compensation for the performance of his or her official duties.
- 1102.23 The refusal of any officer or employee of the agency to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in agency office is involved shall constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- 1102.24 Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies which may be prescribed by the City.
- 1102.25 Improper political activity; campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours.
- 1102.26 Working overtime without authorization.

- 1102.27 Making false or malicious statements or accusations concerning any employee, City or its policies or activities.
- 1102.28 Unauthorized possession or use of weapons on City premises at any time.
- 1102.29 Misuse or misappropriation of City property, equipment or supplies for personal or private business.
- 1102.30 Intentional or negligent failure to observe safety rules or precautions.
- 1102.31 Violation of the City policy on use of the telephone, computer, e-mail or Internet.
- 1102.32 Smoking inside City facilities.
- 1102.33 Violation of the City policy on discrimination or discriminatory harassment.
- 1102.34 Any other action or lack of action that is detrimental or injurious to the City or its employees.

SECTION 1103. Types of Disciplinary Action: The City may take any of the following disciplinary actions regarding a regular employee after consultation with the Human Resources Director.

- 1103.1 **Oral Reprimand:** Notice of unsatisfactory areas of work performance or behavior. Oral reprimands should be confirmed in writing to the employee. A regular employee may appeal an oral reprimand to the next level of supervision within the timeframe specified in the applicable Memorandum of Understanding.
- 1103.2 **Written Reprimand:** A written warning of performance deficiencies or problems of behavior or conduct. The written reprimand will include a statement of the problem, what the employee is directed to do to correct the problem and notice that further disciplinary action will be

taken unless the employee's behavior or performance improves. A copy of the written reprimand will be provided to the Human Resources Department for placement in the employee's personnel file.

- 1103.3 **Suspension**: A regular employee may be temporarily removed from his/her duties without pay for disciplinary causes after consultation with the Human Resources Director.
- 1103.4 **Reduction in Pay**: A regular employee may be reduced in pay within the salary range for disciplinary cause after consultation with the Human Resources Director.
- 1103.5 **Demotion**: A regular employee may be demoted to a lower classification for disciplinary cause after consultation with the Human Resources Director.
- 1103.6 **Discharge**: A regular employee may be terminated from employment for cause after consultation with the Human Resources Director.
- 1103.7 **Emergency Suspension**: An employee may be suspended immediately if in the judgment of the appointing authority that employee's conduct presents a clear and immediate danger to the employee or anyone else. Upon recommendation of the employee's supervisor, the appointing authority will remove the employee from duty and inform him or her that they should depart from the City premises pending investigation. Emergency suspensions may be with or without pay and without loss of benefits.
- 1103.8 **Discipline of Exempt Employees**: Except for a violation of workplace conduct rule (such a violation will typically constitute misconduct) exempt employees may not be subject to suspensions other than in full workweek increments or reductions in pay.

SECTION 1104. Procedures for Taking Disciplinary Action: For suspensions, reductions in pay, demotion and discharge disciplinary action of regular employees shall be taken in compliance with the following procedures:

1104.1 **Notice of Intent:** Whenever the appropriate authority intends to suspend an employee, demote the employee, reduce the employee in pay or discharge the employee, the appropriate authority shall give the employee a written notice of discipline which sets forth the following:

- A. The intended disciplinary action.
- B. The specific charges upon which the action is based.
- C. A summary of the facts upon which the charges are based.
- D. A copy of all written materials, reports or other documents upon which the discipline is based.
- E. Notice of the employee's right to respond to the charges either orally or in writing to the appropriate authority.
- F. The date, time and person before whom the employee may respond. Said time shall be no less than five (5) working days.
- G. Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

1104.2 **Response by Employee:** The employee shall have the right to respond to the appropriate authority orally or in writing. The employee shall have a right to be represented at any meeting set by the appropriate authority to hear the employee's response. In cases of suspensions, demotions, reductions in pay or discharge, the employee's response will be considered before final action is taken.

1104.3 **Final Notice:** After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: (1) dismiss the notice of intent and take no disciplinary action against the employee; or (2) modify the intended disciplinary action; or (3)

prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- A. The disciplinary action taken.
- B. The effective date of the disciplinary action taken.
- C. Specific charges upon which the action is based.
- D. A summary of the facts upon which the charges are based.
- E. The written materials, reports and documents upon which the disciplinary action is based.
- F. The employee's right to appeal suspensions, reductions in pay, demotion and discharge by submitting a written appeal as provided in the applicable Memorandum of Understanding.

SECTION 1105. Hearing:

1105.1 **Request for Hearing:** Within ten (10) calendar days after final notice of suspension, reduction in pay, demotion or discharge or as provided in the applicable Memorandum of Understanding, the regular employee or the employee's representative may file an appeal in writing to the Human Resources Director. The procedure for the appeal hearing is set forth in the applicable Memorandum of Understanding.

RULE 12. LAYOFF POLICY AND PROCEDURE

SECTION 1201. Statement of Intent: Whenever, in the judgment of the City Manager it becomes necessary, the City Manager may, with the approval of the City Council abolish any position or employment. The employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

Seniority shall be observed in effecting such reduction in personnel pursuant to state law, the Human Resources Rules and Regulations, and Municipal Code Section 2.52.120. Layoffs shall be made within classes of positions and all temporary or

provisional employees in the affected class or classes shall be laid off prior to the layoff of any probationary or permanent employee. Probationary employees in the affected class shall be laid off prior to permanent employees.

SECTION 1202. Notification: Employees to be laid off shall be given, whenever possible, at least fourteen (14) calendar days' prior notice.

SECTION 1203. Procedure:

Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the Human Resources Officer shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off previously held permanent status with the City. All persons so demoted shall have their names placed on the re-employment list.

Determination of Need for Layoff: The determination of need for layoff will be made by the City. Classifications to be affected and the number of employees included will be determined by the City.

Temporary or Provisional Appointments: Temporary or provisional appointments shall be laid off according to the needs of the service as determined by the appointing authority.

Probationary Employees: Probationary employees shall be laid off according to the needs of the service as determined by the appointing authority. If an employee in an affected classification is a probationary appointment, that employee will be selected to be laid off, subject to bumping and re-employment rights as applicable.

Layoff Procedure: The layoff determination will be based upon the employee most recently hired in the affected class who, therefore, has the least seniority in or above the class will be the first to be laid off. The employee in the affected class with the least seniority within that class will be laid off, subject to bumping and re-employment rights as applicable.

SECTION 1204. Employee Bumping Rights: An employee laid off from a particular classification may “bump” into a lower classification for which he/she has held permanent status in the position previously with the City within their current Department or Division. After an employee is informed of an impending layoff or “bump down,” he/she must inform the Human Resources Officer or his/her designee in writing within five working days of receipt of notice of layoff of his/her intent to take the option of the layoff or the “bump down.” If the Human Resources Officer or his/her designee does not receive the written request to “bump down” within the time frame established, he/she will be laid off without the right to appeal.

If an employee “bumps down” to a class which then creates an overage in that class, the aforementioned bumping rights process will be repeated. The “bumped down” employee shall be subject to further bumping depending on his/her seniority.

Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case, shall the salary be increased above that received in the class from which the employee was laid off.

If an employee does not have bumping rights because he/she has not held permanent status in a lower position with the City Department or Division, he/she will be laid off and placed on the re-employment list.

SECTION 1205. Re-Employment Rights: The names of probationary and regular employees who have been laid off shall be placed on an appropriate re-employment list for classes, which in the opinion of the Human Resources Officer, require basically the same qualifications and duties and responsibilities of those of the class of positions from which layoff was made and will be placed in the order of their competency and seniority. Such list shall be used by every Department Director or Division Manager when a vacancy arises in the same or lower class of position before certification is made from an eligible list. Such names shall remain thereon for a period of one (1) year.

Persons who refuse re-employment one time shall be dropped from the list. Persons re-employed in a lower class or on a temporary basis, shall be continued on the list for the higher position for one (1) year.

Re-hired employees' reinstatement will be subject to Section 1003 of the rules. Specifically, reinstated employees shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific written approval of the Human Resources Officer at the time of reinstatement.

Reappointments after termination will be considered as new employment.

RULE 13. NON-DISCIPLINARY SEPARATION FROM EMPLOYMENT

SECTION 1301. Rejection: A probationary employee in the competitive service may be discharged at any time during the probationary period without cause and without a right to appeal.

SECTION 1302. Resignation: An employee wishing to leave the competitive service in good standing shall file with the Department Director or Division Manager a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by the Human Resource Officer. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Human Resources Director. Failure to give notice as required by this rule shall be cause for denying future employment by the City. A resignation becomes final when accepted by the appointing authority. Once a resignation has been accepted by the appointing authority, it cannot be withdrawn.

SECTION 1303. Job Abandonment: An employee is deemed to have resigned if the employee is absent for five (5) consecutive work days or five (5) consecutive work shifts without prior authorization and without notification during the period of absence. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.

SECTION 1304. Retirement: Employees covered by the contract between the California Public Employee's Retirement System (CalPERS) and the City of Fountain Valley shall receive benefits upon retirement.

RULE 14. LEAVES

SECTION 1401. Industrial Accident Leave: In the event that any employee in the competitive service is absent from work as a result of any injury or disease which comes under the State of California Workers' Compensation Insurance and Safety Act, such absence shall be considered to be industrial accident leave. Any employee absent on industrial accident leave shall be compensated in accordance with the Memorandum of Understanding. The Human Resources Officer may require an employee on industrial leave due to injury on the job to submit him/herself to a physician selected by the City for examination at the City's expense. Any employee of the City of Fountain Valley recovering damages in a suit filed arising from occupational injury shall notify the Human Resources Director of the amount of damages collected from suit in order that all expenses paid by the City may be recovered.

SECTION 1402. Leave of Absence – Death in Family: Whenever any probationary or regular employee is absent from duty by reason of a death in the immediate family, that is father, mother, brother, sister, wife, husband, child, mother-in-law or father-in-law, or other as stated in the applicable Memorandum of Understanding, such employee shall be entitled to bereavement leave as specified in the applicable Memorandum of Understanding.

SECTION 1403. Sick Leave: All employees in the competitive service of the City shall be allowed leave with pay on account of illness or injury. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion but shall be allowed only in the case of necessity or in the case of actual sickness or disability. Sick leave with pay can only be granted upon the recommendation of the employee's Department Director or Division Manager. Abuse of sick leave or excessive use of sick leave may be cause for disciplinary action.

Sick leave may be taken in case an employee's presence is required elsewhere because of sickness or disability of members of his/her immediate family in accordance with the Memorandum of Understanding. The immediate family shall consist of the spouse, children, parents, brothers, sisters, or other individual whose relationship to the employee is that of a dependent or as specified in the Memorandum of Understanding. For illness or injury of a parent, child, spouse or registered domestic partner, an employee may use up to one half of their yearly accrual of sick leave pursuant to Administrative Regulation No. 1055.

SECTION 1404. Accrual of Sick Leave: Sick leave shall be earned in accordance with the applicable Memorandum of Understanding. Unused sick leave may be accumulated without limit. The employee who is on leave of absence without pay for one full payroll period shall not earn sick leave during the period of absence.

SECTION 1405. Depletion of Sick Leave Benefits: Upon depletion of accumulated sick leave an employee will be deemed to be on medical leave of absence without pay for a period not exceeding sixty (60) days. If the employee is unable to return to work at the end of this period, he/she must request further medical leave which will be subject to the approval of the Human Resources Officer. If further leave is granted, the employee must notify the City of his/her intent to return to work every thirty (30) days. If further leave is not granted, the employee's service with the City shall be considered terminated.

SECTION 1406. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves as set forth in applicable Memorandum of Understanding's. All departments shall keep daily attendance records of employees which shall be reported to the Finance Department in the form of time sheets and on the dates Finance shall specify.

SECTION 1407. Vacation Eligibility: All regular full-time employees are eligible for vacation leave in conformance with the provisions of these rules and the applicable Memorandum of Understanding.

SECTION 1408. Vacation Accrual: Refer to the applicable Memorandum of Understanding.

SECTION 1409. Vacation to be Taken: The time at which an employee may use his/her vacation leave shall be determined by his/her Department Director or Division Manager with particular regard for the needs of the City but also insofar as possible, considering the wishes of the employee. Vacation leave may be taken after completion of the first six (6) months of service subject to approval of the Department Director or Division Manager. Each employee is required to take a minimum of one (1) full week of vacation each year. Additional vacation may be used in units of less than one (1) week with the approval of the Department Director or Division Manager and the Human Resources Officer. An accrued total of no more than two hundred and forty (240) hours may be earned or in accordance with the Memorandum of Understanding.

SECTION 1410. Vacation at Termination: Employees shall be compensated for accrued vacation upon termination.

SECTION 1411. Double Compensation Prohibited: Employees shall not receive double compensation for hours worked. Employees shall not work their vacation and receive double compensation (salary plus vacation pay) for their work.

SECTION 1412. Military Leave: City policy relating to military leave and compensation therefor for employees in the service shall be in accordance with the provisions of the Military and Veterans Code of the State of California and applicable Federal Law, and are outlined in City Council Policy and Administrative Regulation No. 1071. All employees entitled to military leave shall give the Department Director or Division Manager an opportunity within the limits of military regulations to determine when such leave shall be taken.

SECTION 1413. Leave of Absence Without Pay: The Human Resources Officer, at his/her unrestricted discretion, may grant a regular or probationary employee leave of absence without pay not to exceed three (3) months. After three months, the leave of absence may be extended by the Human Resources Officer. No leave shall be granted except upon written request of the employee, setting forth the reason for the

request. Approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position or a similar job held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be deemed to have automatically resigned. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice. The employee, while on leave of absence without pay, does not accrue benefits including vacation and sick leave. Should the employee wish to continue to receive medical and dental coverage, the employee is responsible for paying the full monthly premium in advance.

SECTION 1414. Jury Duty: Every classified employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to be absent without loss of pay from his/her duties with the City during the period of such service or while necessarily being present in court as a result of such call. The employee shall be required to surrender to the City the amount of pay he/she receives from the court for jury duty, except mileage.

SECTION 1415. Pregnancy Disability Leave: A pregnant employee shall be entitled to a leave of absence without pay for up to four (4) months so long as the employee's attending physician certifies that she is physically unable to work due to pregnancy, childbirth or a related medical condition as set forth in Administrative Regulation No. 1033. During said leave of absence without pay, the employee has the option of using accrued sick leave, compensatory time and/or vacation hours.

Upon expiration of the approved leave, the employee shall be reinstated to her former position or to a comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off. The comparable position is one having similar terms of pay, location, job content and promotional opportunities. Prior to the employee being reinstated, the Department Director or Division Manager may require a statement from the attending physician that the employee is physically capable of resuming the regular duties of her position.

Failure to return to work after the authorized leave period causes the employee to have no reinstatement rights unless the employee properly uses another statutory leave entitled following such leave, such as leave to care for a newborn child pursuant to the California Family Rights Act. An employee who plans to take such a leave should give reasonable notice of the date the leave shall commence and the estimated duration of the leave.

SECTION 1416. Family Care and Medical Leave: An employee shall be granted family care and medical leave as set forth in Administrative Regulation No. 1050.

SECTION 1417. School Leave: An employee shall be granted time off to visit a child's school as set forth in Administrative Regulation No. 1036.

SECTION 1418. Civil Subpoena. An employee who is subpoenaed to appear in court shall be granted time off or compensated.

SECTION 1419. Benefits to Employees Who Job Share. Employees who share a job shall receive benefits pro-rated on the basis of the number of hours that the employee is regularly scheduled to work, with 100% representing forty (40) hours a week.

RULE 15. PERSONNEL RECORDS

SECTION 1501. General. The City maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City and access to the information they contain is determined by applicable law.

SECTION 1502. Notifying the Human Resources Department of Changes in Personal Information. Each employee is responsible to promptly notify the Human Resources Department of any changes in relevant personal information, including mailing address, telephone numbers and persons to contact in emergency.

SECTION 1503. Medical Information. All medical information about an employee or applicant is kept separately from the personnel file and is treated confidential. The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an authorization for release of employee medical information.

Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for business reasons. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. The City will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act) unless the employee signs an authorization for release of employee medical information. The City will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitation regarding the use of the medical information, the City will communicate those limitations to the person or entity to which is discloses the medical information.

SECTION 1504. References and Release of Information in Personnel Files: Upon request, the City will release public information about its employees as required by the Public Records Act.

All requests from the outside for reference checks or verification of employment concerning any current or former employee shall be handled in accordance with Administrative Regulation No. 1034.

SECTION 1505. Employee Access to Personnel File: An employee may inspect his or her own personnel file at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the Human Resources Director to arrange an appointment. The review must be done in the presence of a Human Resources Department employee. Employees generally do not have access to pre-employment documents. On request, the Human Resources Department will

provide an employee single copies of any documents in his/her personnel file. The Human Resources Department may charge a reasonable fee for the copies. The procedure to be followed by an employee is set forth in Administrative Regulation No. 1042.

SECTION 1506. Supervisor's File: Supervisors may have a separate file from the personnel file. Employees cannot be disciplined based upon documents in the supervisor's file unless the documents are moved into the employee's personnel file.

RULES 16. PERFORMANCE EVALUATION

SECTION 1601. Performance Evaluation: The Human Resources Officer or his/her designee shall provide a method of reporting of individual employee performance which relates to quantity and quality of work, ability, reliability, attendance and other factors. The Human Resources Officer or his/her designee shall prescribe forms for such performance evaluations and shall be responsible for assuring that such evaluations are adequate to provide information to both the employee and the City for the purposes set forth in this section. An employee must have a satisfactory performance evaluation in order to be eligible for a merit salary increase or promotion. Deficiencies in performance by an employee may result in a decrease in salary, reprimand, suspension, demotion or dismissal.

Department Directors or Division Managers shall periodically rate the performance of each employee; provided, however, that the Department Director or Division Manager may delegate the responsibility for rating the performance of specified employees in their department or division to that employee's supervisor. Interim reports may be completed as necessary when changes in work performance occur. Each employee shall be informed in such reports of his/her strengths and weaknesses and shall be discussed with the employee. The employee shall sign the report to acknowledge receipt of the evaluation which shall not necessarily mean the employee fully agrees with the contents of the performance evaluation.

RULE 17. COMPENSATION

SECTION 1701. Starting Salary: Appointments will be made at the minimum salary of the appropriate salary range. The Human Resources Officer may authorize an appointment at a salary level above the minimum when he/she deems it necessary.

SECTION 1702. Compensation on Promotion: An employee promoted to a classification allocated to a higher salary range shall be placed on the lowest step of the higher salary range which will provide not less than a five percent (5%) increase in compensation.

SECTION 1703. Compensation Upon Reclassification: An employee who is reclassified will be placed at a salary range which most accurately reflects the salary for the classification. Placement will be made upon the recommendation of the Department Director or Division Manager and approval of the Human Resources Officer. The Human Resources Officer shall have the authority to "y" rate the compensation for a specified period of time of an employee who is reclassified to a lower position.

SECTION 1704. Compensation on Transfers: An employee who is transferred will be compensated at the same level the employee was compensated at the time of the transfer.

SECTION 1705. Compensation on Re-Employment or Reinstatement: Any employee who is re-employed or reinstated will be compensated at the same salary the employee was receiving at the time of the separation of employment.

SECTION 1706. Compensation on Demotion: Any employee who is demoted whether voluntary or involuntarily shall be reassigned to the salary range to which his/her new classification is assigned. If the maximum monthly salary is less than the employee's current monthly salary, his/her salary shall be reduced to the nearest lower step in the new classification.

SECTION 1707. Compensation for Acting/Provisional Appointments: An employee who is required on the basis of a provisional appointment to serve in a classification with a higher salary range than that of the classification in which he/she is

normally assigned, shall be moved to a step within the higher salary range which will provide not less than 5% increase in the compensation provided that:

1707.1 The written approval of the City Manager shall be required.

1707.2 The employee shall perform all the duties and assume all the responsibilities of the higher classification for a period of not less than thirty (30) calendar days.

1707.3 Compensation for acting/provisional appointments shall be limited to the temporary filling of a vacant regular position due to termination, promotion or extended absence of the incumbent, vacant position or the temporary filling of newly budgeted positions.

SECTION 1708. Fitness-for-Duty Examinations: When the City determines that an employee appears to be having difficulty performing one (1) or more of his/her essential job functions or for other good cause that is job related and consistent with business necessity, the Human Resources Director may require an employee to undergo a fitness-for-duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The Human Resources Director may require that a City-approved physician conduct the examination. In addition, the City may require written documentation from a physician stating the employee is fit for duty. The City shall pay for fitness-for-duty examinations that it initiates under this rule. The City will only ask the doctor to identify whether the employee is fit or not. If not, then the City will ask the doctor to set forth any work restrictions which the employee may have.

RULE 18. MISCELLANEOUS PROVISIONS

SECTION 1801. Outside Employment: All regular full-time employees wishing to engage in outside employment (any employment for compensation) shall obtain approval to engage in outside employment each year from their Department Director or Division Manager in the manner and at the times set by the Human Resources Officer in administrative rules and procedures. Such approval may be denied if in the opinion of

the Department Director or Division Manager such outside employment is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties. All such approvals shall be subject to review by the Human Resources Officer.

SECTION 1802. Safety: The Human Resources Officer shall be responsible for providing safe working conditions and for encouraging employees in his/her charge in safe work practices. Evidence of persistent unsafe work practices by an employee shall be reported to the Human Resources Officer and may be a basis for disciplinary action.

SECTION 1803. Dress and Grooming Policy: Refer to Administrative Regulation No. 1046.

SECTION 1804 Department of Transportation Drug and Alcohol Policy: Refer to Administrative Regulation No. 1051.

SECTION 1805. Drug Free Workplace. Refer to Administrative Regulation No. 1008.

SECTION 1806. Harassment in Employment: Refer to Administrative Regulation No. 1019.

SECTION 1807. Political Activity of City Employees: Refer to Administrative Regulation No. 1014.

SECTION 1808. No Smoking in City Facility and Vehicles: Smoking is prohibited inside and within twenty feet of an entrance or exit and in City vehicles.

SECTION 1809. Required Certificates and Licenses: Employees are responsible for maintaining required certificates and licenses for their job at all times. An employee is required to immediately notify his/her supervisor of loss of required certificates and licenses.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
this 19th day of July, 2016, by the following vote:

AYES: McCurdy, Nagel, Vo, Collins, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

City of Fountain Valley


Cheryl Brothers, Mayor

ATTEST


Rick Miller, City Clerk Administrator

APPROVED AS TO FORM
HARPER & BURNS LLP


Colin Burns, Attorney for the City